

Wallace B. Neel (WN 0038)

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Attorneys for Plaintiffs

*E*Trade Savings Bank and E*Trade Mortgage Corporation*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E*TRADE SAVINGS BANK and E*TRADE
MORTGAGE CORPORATION

ECF Case

Plaintiffs,

07 Civ. 8065 (LTS/GWG)

v.

NATIONAL SETTLEMENT AGENCY, INC.;
FAST TRACK TITLE AGENCY LLC,
STEVEN M. LEFF; RACHEL M. LEFF;
and RICHARD A. LEFF

Defendants.

-----X

WALLACE B. NEEL, declares under penalty of perjury pursuant to 28 U.S.C. § 1746,

as follows:

1. I am an attorney-at-law in the State of New York and am an associate at Reed Smith LLP, attorneys for E*Trade Savings Bank and E*Trade Mortgage Corporation (together, "E*TRADE" or "Plaintiffs").

2. I submit this declaration in support of Plaintiffs' Motion for Judgment by Default Against Defendants National Settlement Agency, Inc. and Steven M. Leff.

3. Attached as Exhibit A hereto is the initial Complaint and Federal Rule of Civil Procedure 7.1 Disclosure Statement filed with this Court in the above-captioned matter.

4. Attached as Exhibit B hereto is the amended complaint filed with this Court in the above-captioned matter.

5. Attached as Exhibit C hereto is the Order of the Honorable Laura Taylor Swain, United States Judge for the Southern District of New York, ordering that E*TRADE may make a motion for a default judgment as against defendants National Settlement Agency Inc. and Steven M. Leff.

6. Attached as Exhibit D hereto is the Certificate of the Clerk of the United States District Court for the Southern District of New York signed May 8, 2008 certifying that this action commenced on September 14, 2007 and that no answer had been filed by defendant National Settlement Agency Inc.; and further certifying that proof of service of the amended complaint and supplemental summons upon defendant National Settlement Agency, Inc. was filed on May 2, 2008, and that no answer thereto had been filed by defendant National Settlement Agency Inc.; and noting the default of defendant National Settlement Agency, Inc.

7. Attached as Exhibit E hereto is the Certificate of the Clerk of the United States District Court for the Southern District of New York signed May 8, 2008 certifying that this action commenced on September 14, 2007 and that no answer had been filed by defendant Steven M. Leff; and further certifying that proof of service of the amended complaint and supplemental summons upon defendant Steven M. Leff was filed on May 2, 2008 and that no answer thereto had been filed by defendant Steven M. Leff; and noting the default of defendant Steven M. Leff.

8. Attached as Exhibit F hereto is the Affidavit of Kerry Gunner stating that a copy of the supplemental summons and amended complaint filed in this action were served on

defendants National Settlement Agency, Inc. by delivery to and leaving with Chad Matic, an agent of the Secretary of State of New York, on March 27, 2008.

9. Attached as Exhibit G hereto is the Affidavit of John DiCanio stating that a copy of the supplemental summons and amended complaint filed in this action were served on Defendant Steven M. Leff by delivery to and leaving with Victor Lava, a doorman at the building in which Steven M. Leff abided at the time of service and a person of suitable age and discretion; and by placing copies of same in a postage-paid envelope properly addressed to defendant Steven M. Leff at defendant's last known residence at 303 East 83d Street, New York, New York, 10028, which envelope was deposited in an official repository under the exclusive care and custody of the United States Postal Service within New York State.

10. Attached as Exhibit H is a proposed form of Default Judgment for the Court to order in this matter.

I hereby affirm and declare that the foregoing statements made by me are true to the best of my knowledge. I understand that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Dated: New York, New York
May 12, 2008



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